

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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JOHN WENINGER  
on behalf of himself and all  
others similarly situated,

Plaintiff,

Case No. 18-cv-321

v.

GENERAL MILLS OPERATIONS, LLC,

Defendant.

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**PLAINTIFF'S UNOPPOSED PETITION FOR  
APPROVAL OF ATTORNEYS' FEES AND COSTS**

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NOW COMES Plaintiff, John Weninger, on behalf of himself and all others similarly-situated, by and through his counsel, Walcheske & Luzi, LLC, and pursuant to 29 U.S.C. § 216(b) and Civil L. R. 7, hereby petitions this Court for an award of attorneys' fees and costs on the grounds set forth below, in Plaintiff's supporting Brief, and in the accompanying Declarations.

1. Plaintiff's counsel has achieved substantial and considerable success on behalf of Plaintiff and the 434 other current and former hourly paid, non-exempt Production Employees employed by Defendant at its Production Facilities in the United States between March 2, 2015 and March 2, 2018 ("Collective") by negotiating a fair and reasonable settlement of this matter, a Fair Labor Standards Act collective action, the terms of which are embodied in the parties' Joint Stipulation of Settlement and Release ("Settlement Agreement") previously filed with and preliminarily approved by this Court (*see* ECF Nos. 79-1 and 83, respectively);

2. Plaintiff, on behalf of himself and the Collective, petitions this Court for payment of attorneys' fees and costs in the total amount of \$113,090.00 in accordance with the agreed-upon terms of the parties' Settlement Agreement, (ECF No. 79-1), a voluntary reduction from Plaintiff's counsel's actual attorneys' fees and costs to date, which respectively total \$117,300.00 and \$16,814.16;

3. An award of Plaintiff's counsel's attorneys' fees and costs in the amount of \$113,090.00 will not adversely affect settlement payments to any of the individual members of the Collective, including Plaintiff. Rather, Defendant has agreed to pay the amount of attorneys' fees and costs awarded to Plaintiff's counsel by this Court directly to Plaintiff's counsel; and

4. The parties believe that Plaintiff's counsel's petition for approval of attorneys' fees and costs in the total amount of \$113,090.00 is a fair, reasonable, and representative amount of Plaintiff's counsel's actual time and expense spent litigating this matter. Defendants do not oppose Plaintiff's counsel's request in this amount. (*See* ECF No. 79-1, p. 5, ¶ 3.2.)

**WHEREFORE**, Plaintiff respectfully requests that this Court grant Plaintiff's Petition for Approval of Attorneys' Fees and Costs in the total amount of \$113,090.00 as set forth above.

Dated this 7th day of March, 2019.

WALCHESKE & LUZI, LLC  
Counsel for Plaintiff

*s/ David M. Potteiger*

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